



CITY COUNCIL

Meeting Agenda

REGULAR MEETING
22, 2013
COUNCIL CHAMBERS
P.M.

MONDAY, JULY

7:00

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agenda. All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012.

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Pastor Olga Moreira of the Path of Holiness Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting

and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Regular Meeting of June 24, 2013 **PAGE 5**

B. AGENDA: Regular Meeting of July 8, 2013

5. Consent Agenda Legislation

A. Award of Contract - Main Library Improvements Project to Perrotto Builders, Ltd., 426 Warren Street, Reading, PA 19601 for a total bid price of \$458,000.00. (Purchasing) **PAGE 12**

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 33-2013 - authorizing the Mayor to negotiate terms and to execute any and all documents, agreements and papers to convey certain Penn Street properties to the City of Reading. (Law) *Introduced at the 7-8 regular meeting* **PAGE 16**

10. INTRODUCTION OF NEW ORDINANCES

PENDING

A. Bill No. -2013 – vacating a portion of Moss Street, as described in Exhibit A and removing this portion of Moss St from the City's topographical map **(Law)** (PAGE 84) *Introduced at the 6-24 regular meeting*

A. Ordinance - amending Chapter 11, Housing, of the Codified Ordinances to include electronic filing, collections and collection costs (PMD/Law) *Advertised July 29, 2013* **PAGE 17**

B. Ordinance - approving, adopting and enacting substantive changes to the existing city ordinances in conjunction with the adoption of the Code of the City of Reading (City Clerk/Law) **PAGES 38-53**

C. Ordinance - approving the codification of a complete body of legislation for the City of Reading, County of Berks, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code, and consisting of Chapters 1 through 600, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the City of Reading, which shall be known and is hereby designated as the "Code of the City of Reading," hereinafter referred to as the "Code." *Advertised on July 29, 2013*

11. RESOLUTIONS

A. Resolution - amending Resolution 57-2013 by changing the effective date.
(Council staff) **PAGE 54**

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on first page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, July 22nd

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, July 29th

PennDOT Penn Street Bridge Rehab & Detour– Penn Room - 1 pm

Monday, August 5th

Nominations Committee – Council Office – 4 pm

Standards of Living Committee – Council Office – 5 pm

Economic Development Committee – Council Office – immediately following Standards of Living mtg.

Monday, August 12th

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, August 19th

Finance & Budget Meeting – Council Office – 5 pm

Strategic Planning – Council Office – at the conclusion of the 5 pm meeting

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, August 12

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, August 13

Water Authority Workshop – Water Authority Office – 4 pm

Citizens Advisory Board – Penn Room – 7 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, August 14

Zoning Hearing Board – Council Chambers – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, August 15

Police Pension Board – Penn Room – 10 am

Outlet Area Neighborhood Assn – St Mark's Lutheran Church

~~Sunday, July 14~~

~~College Heights Community Council – Nativity Lutheran Church – 7 pm~~

Monday, August 19

Library Board – 113 S 4th St – 4 pm

Tuesday, August 20

Charter Board – Penn Room – 7 pm

HARB – Planning Conference Room – 7 pm

Wednesday, August 21

Redevelopment Authority – Redevelopment Authority Office – 5:30 pm

Thursday, August 22

Blighted Property Review Committee – Council Chambers – 6 pm

Monday, August 26

DID Authority – 645 Penn St 5th floor - noon

**City of Reading City Council
Regular Business Meeting
Monday, July 8, 2013**

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Pastor Dewayne Messenger of All Soul's Church.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
Managing Director C. Snyder
City Clerk L. Kelleher
Mayor V. Spencer

PROCLAMATIONS AND PRESENTATIONS

- Council Commendation celebrating Recreation Month, accepted by the Reading Recreation Commission
- Mayoral Proclamation for East Reading Boxing Club, accepted by Andres Acuna
- Mayoral Proclamation for King's Gym, accepted by Marshall Kauffman

PUBLIC COMMENT

Council President Acosta announced that three (3) citizens were registered to address Council on non-agenda matters and one (1) citizen was registered to address Council on agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule to require non-agenda comment at the end of the meeting was suspended. Council President Acosta reminded the citizens registered to speak about the remaining public speaking rules.

Mayor Vaughn Spencer, of Douglass St, declined when called to the podium.

Ed Ott, of Muhlenberg St, stated that he attended a Council meeting about a year ago to complain about 1422 Muhlenberg Street. He stated that this property is currently a fire damaged shell. He stated that the property was placed on the Blighted Property list and it is in foreclosure. He stated that the condition of the property is driving property values in the neighborhood down. He also stated that parts of the roofing material are falling off of the house and causing safety issues in the neighborhood.

Charles Buckingham, of Washington St, was not present.

Gary Fitzsimmons, of Wyomissing, stated that he is originally from Melbourne Australia, which has neighborhoods similar to Reading. He stated that he has experience buying, rehabbing and flipping properties and he purchased two properties at tax sale to rehab. He described his ongoing problem with property maintenance violations. He stated that some quality of life tickets were successfully appealed. He stated that other violations that he never received have gone to collections. He questioned getting sent to collections when he did not receive the violation.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes for the June 24th Regular Meeting of Council. He noted the need withdraw the Consent Agenda Resolution relating to the Civil Service Board and to add the following legislation to the agenda:

- Consent Agenda Resolution – approving the update to the Hazard Mitigation Plan
- Introduction of New Ordinances – authorizing the Mayor to take steps to acquire properties on Penn Street

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the June 24th Regular Meeting of Council and the agenda, as amended, including the legislation under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Award of Contract - for the renovation of the Pump Tender Room Roof to Purcell Construction, 560 North 5th Street, P.O. Box 188, Denver, PA 17517 who is the low bidder with total bid price of \$35,600.00 **(Purchasing) – PAGE 11**

B. Resolution 55-2013 – authorizing the disposition of contracts in the City Clerk's office as listed. **(Council Staff) PAGE 13**

C. WITHDRAWN Resolution 56- 2013– authorizing the Administration to take certain actions in compliance with the recent Civil Service Board decision (Managing Director) *To be distributed Monday*

C. Resolution 59-2013 – approving the update to the Hazard Mitigation Plan (EMA Dep Chief)

ADMINISTRATIVE REPORT

Mayor Spencer read the report distributed to Council at the meeting covering in summary:

- His attendance at the PA Municipal League's conference in State College the week of June 25th
- His availability every Tuesday from 1-2 pm for meetings with citizens; appointments can be set through the Mayor's Office staff
- His assistance with citizen issues in the Croyden Terrace area
- Start of a walk-ability audit in middle school and elementary school areas

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2013 Recycling Grant used to purchase a baler
- Pension Review

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

David Beane, Chair of the Environmental Advisory Council (EAC), stated that as required he is providing an annual report to the members of EAC. He described the mission and activities of the EAC regarding sustainability and environmental issues and legislation. He also described the EAC's work to educate citizens through community workshops and a program on BCTV. He asked City Council to assist in identifying three (3) additional members to serve on the EAC.

Mr. Beane thanked Deputy City Clerk Shelly Katzenmoyer and Utilities Division Manager Deb Hoag for their help and assistance.

Councilor Goodman-Hinnershitz thanked Mr. Beane and the EAC for their report and their continuous work on environmental issues for the City. She also agreed to assist in identifying additional EAC members.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 30A-2013 - authorizing the amendment of the Park and Recreation Fees as recommended by the Rec Commission (**Bus Analyst**) (PAGE 79)
Introduced at the 6-24 regular meeting – Advertised July 1, 2013 PAGE 14

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 30A-2013.

Bill No. 30A-2013 was adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

B. Bill No. 31-2013 - authorizing the transfer of \$20,000 from the General Fund Contingency account to a Charter Review Commission line item for support of the Charter Review Commission (**Auditor**) (PAGE 83) ***Introduced at the 6-24 regular meeting PAGE 18***

Councilor Marmarou moved, seconded by Councilor Corcoran, to enact Bill No. 30A-2013.

Councilor Goodman-Hinnershitz stated that this Bill was discussed in the Committee of the Whole session that precedes the regular meeting and that a reduction in the amount of the allocation was discussed. She expressed the belief that those appointed to the Charter Review Commission, such as herself, Mr. Corcoran and Mr. Cituk, recognize the need to be frugal with the City's money and will take care with the allocation of funds necessary to the Commission's needs and will report back to Council.

Councilor Corcoran stated that originally he supported the reduction; however he agreed that those appointed to the Commission will not spend the money unwisely.

Councilor Reed expressed the belief that the amount of the allocation could be safely reduced to \$15,000 due to the improved use of electronic communications and transmissions. She agreed that those appointed to the Commission will be responsible.

Bill No. 30A-2013 was adopted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Sterner, Waltman,
Acosta, President - 6**

Nays: Reed - 1

C. Bill No. 32-2013 – amending Chapter 1, Part 7 Fire Escrow Proceeds, of the Codified Ordinances by adding requirements regarding the rehabilitation or demolition of fire damaged properties and renumbering as required (Fire Escrow Work Group/Council Staff) (PAGE 86) *Introduced at the 6-24 regular meeting; Advertized July 1, 2013 PAGE 21*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 32-2013.

Managing Director Snyder explained that this amendment places requirements around fire damaged properties that have fire insurance. She stated that the amendment requires demolition to occur within six months of the fire and rehabilitation within two years of the fire.

Councilor Corcoran stated that the City needs stronger legislation, local and or state, to more effectively deal with all properties damaged by fire, not only properties with fire insurance. Councilor Goodman-Hinnershitz agreed.

Bill No. 32-2013 was adopted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,
Acosta, President - 7**

Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

PENDING

Bill No. -2013 – vacating a portion of Moss Street, as described in Exhibit A and removing this portion of Moss St from the City's topographical map (Law) (PAGE 84) *Introduced at the 6-24 regular meeting*

Council President Acosta read the following ordinance into the record:

A. Ordinance - authorizing the Mayor to negotiate terms and to execute any and all documents, agreements and papers to convey certain Penn Street properties to the City of Reading. (Law)

RESOLUTIONS

A. Resolution 57-2013 – appointing Thomas Anewalt to the Charter Board (Nom & Appts) PAGE 26

B. Resolution 58-2013 – appointing Thomas Anewalt to the Charter Review Commission (Council Pres) PAGE 27

Councilor Reed moved, seconded by Councilor Marmarou, to adopt Resolutions 57 and 58-2013.

Councilor Marmarou described the skills and experience Mr. Anewalt brings to these positions.

Councilors Corcoran, Reed and Goodman-Hinnershitz stated that Mr. Anewalt brings a wealth of experience, legal and municipal, to these positions.

Resolution No. 57 and 58-2013 were adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

COUNCIL COMMENT

Councilor Corcoran stated that properties sold at tax sales often carry delinquent payments from utilities and other fees. He stated that the buyer needs to perform due diligence before purchasing a property at a tax sale.

Councilor Marmarou noted the importance of bringing neighborhood issues to light during Council meetings. He described the successful handling of a speeding problem on Hampden Blvd.

Councilor Goodman-Hinnershitz agreed; however, she noted that some issues are too complex to be handled in an expedient fashion, such as the need for the repaving of Cotton Street.

Councilor Reed noted the partial mowing around the Welcome to Reading sign on the West Shore Bypass. She noted the need to have this entire area mowed.

Councilor Reed asked the Auditor to make monthly reports to the Finance Committee on the money spent by the Charter Review Commission and she noted the need for the Charter Review Commission to use the proper procurement methods. She also suggested that the Administration consider having a citizen Ride-a-long program with Property Maintenance Inspectors. She stated that this will provide citizens with a better understanding of how the violation and quality of life processes work.

Councilor Waltman noted the need for the entrances and exits of the bypass to be mowed. He suggested utilizing RBI to accomplish this task.

Councilor Sterner thanked tonight's speakers and those honored with commendations and proclamations. He announced the meeting of the Outlet Neighborhood Group on Thursday, July 11th at 6:30 pm at St Marks Lutheran Church, located at North 10th and Windsor Streets.

Council President Acosta announced that there are two meetings regarding the rehabilitation of the Penn Street Bridge. He announced the upcoming meeting schedule for City Boards.

Councilor Marmarou moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City

Clerk



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: July 22, 2013
AGENDA MEMO DATE: July 17, 2013
RECOMMENDED ACTION: Awarding of Contract for the Main Library Improvements Project for the Department of Public Works

RECOMMENDATION

The recommendation is to award the contract for Main Library Improvements Project to Perrotto Builders, Ltd., 426 Warren Street, Reading, PA 19601 for a total bid price of \$458,000.00.

BACKGROUND

Bids for the Main Library Improvements Project for the Department of Public Works were received on July 9, 2013.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Public Works and Community Development have confirmed there are sufficient funds in budget account code as well as receiving monies from the Library Board.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the July 22, 2013 meeting.

RECOMMENDED BY

Mayor, Managing Director, Director of Administrative Services, Director of Public Works, Director of Community Development, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for Main Library Improvements Project in order that contract may be awarded accordingly to Perrotto Builders, Ltd.

cc: File

July 17, 2013

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

**BID FOR THE READING PUBLIC LIBRARY IMPROVEMENTS PROJECT,
DEPARTMENT OF PUBLIC WORKS**

<u>BIDDER</u>	<u>PRICE</u>
Perrotto Builders, Ltd. 426 Warren Street Reading, PA 19601	\$458,000.00
Purcell Construction 560 N. 5 th Street Denver, PA 17517	\$510,000.00
Uhrig Construction 1700 N. 5 th Street Reading, PA 19601	\$561,500.00

TAMMI REINHART
Purchasing Coordinator

BILL NO. _____-2013
A N O R D I N A N C E

VACATING AND REMOVING FROM THE TOPOGRAPHICAL SURVEY OF THE CITY OF READING, A PORTION OF MOSS STREET AS DESCRIBED IN ATTACHED EXHIBIT "A".

WHEREAS, The City of Reading deems it expedient for the public good to vacate and remove from the topographical survey of the City of Reading a portion of Moss Street, Reading, Berks County, Pennsylvania,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. As described in attached Exhibit "A" and containing in area twenty-three thousand four hundred three square feet (23,403 sq.ft.) of land, the same hereby is vacated and removed from the topographical survey of the City of Reading.

SECTION 2. The Director of the Department of Public Works, the City Engineer be and he is hereby authorized and directed to enter and record the above-described change in the topographical book of streets in the Department of Public Works.

SECTION 3. The City Solicitor is authorized and directed to take such further steps in court or elsewhere as may be necessary to carry out the provisions of this Ordinance.

SECTION 4. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed, insofar as they are inconsistent with this Ordinance.

SECTION 5. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Enacted _____, 2013

President of Council

Attest:

City Clerk

(LAW DEPT.)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

EXHIBIT "A"

ALL THAT CERTAIN tract or strip of ground being known as Moss Street, being 60 ft. wide, from the northern building line of Bern Street to the northern property line of lands of Reading Area Water Authority, situate in the City of Reading, Berks County, Pennsylvania, and being more fully bounded and described as follows, To Wit:

BEGINNING at a point on the northern building line of Bern Street (60 ft. wide) and the western building line of Moss Street;

Thence leaving Bern Street and along the western building line of Moss Street and along lands of Reading Area Water Authority, North 04 degrees 05 minutes 12 seconds East, 390.04 feet to a point, a corner of lands of Angela Carmello;

Thence crossing Moss Street, South 85 degrees 56 minutes 33 seconds East, 60.00 feet to a point on the eastern building line of Moss Street and in line of lands of the City of Reading;

Thence along the eastern building line of Moss Street and along lands of the City of Reading, South 04 degrees 05 minutes 12 seconds West, 390.07 feet to a point on the northern building line of Bern Street;

Thence along the northern building line of Bern Street, North 85 degrees 54 minutes 48 seconds West, 60.00 feet to the Place of Beginning.

CONTAINING: 23,403 Square Feet

BILL NO. _____-2013

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO NEGOTIATE TERMS AND TO EXECUTE ANY AND ALL DOCUMENTS, AGREEMENTS, AND ANY NECESSARY PAPERS TO EFFECTUATE THE CONVEYANCE OF CERTAIN PENN STREET PROPERTIES TO THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor of the City of Reading is hereby authorized to negotiate the terms and to execute any and all documents, agreements, and any necessary papers to effectuate the conveyance of certain Penn Street properties to the City of Reading.

SECTION 2. This Ordinance shall be effective ten (10) days after adoption pursuant to City of Reading Home Rule Charter Article II Section 219.

Enacted _____, 2013

President of Council

Attest:

City Clerk

(LAW DEPT.)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ - 2013
AN ORDINANCE

AMENDING CHAPTER 11, HOUSING, OF THE CODIFIED ORDINANCES OF THE CITY OF READING TO INCLUDE ELECTRONIC FILING AND COLLECTIONS AND COLLECTION COSTS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11, Housing, of the Codified Ordinances is hereby amended to include electronic filing, collections and collection costs.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days after passage.

Enacted _____, 2013

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

CHAPTER 11

HOUSING

PART 1

RENTAL AND VACANT PROPERTY

§11-102. Definitions.

This section is amended to change or add the following definitions:

ACTIVELY MARKETED FOR SALE – occurs only when a “for sale” sign has been placed on the property with accurate contact information and the owner has done at least one of the following:

- 1) engaged the services of a licensee under the act of February 19, 1980 (P.L. 15, No 9), known as the Real Estate Licensing and Registration Act, to place the property in a Multiple Listing Service or otherwise market the property;
- 2) placed weekly or more frequent advertisements in print or electronic media; or
- 3) distributed printed advertisements.

BOARDING HOUSE – a building or structure used to shelter persons who are not “relatives” of the operator, and who live in the building by pre-arrangement and for definite periods of time and compensation, and which may or may not provide meals for residents, and which does not involve individual dwelling units that are each occupied by a “family.” This term shall not include a commercial hotel/motel that serves transient visitors to the area, a personal care home, a nursing home, a dormitory or residence hall owned or operated by a college or university, or a Group Institution.

BUSINESS PRIVILEGE LICENSE - a license issued by the City of Reading Tax Division per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege Tax, authorizing one to perform business including, for purposes of this Part, renting.

BUSINESS PRIVILEGE TAX - the tax payable to the City of Reading, Division of Tax, per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege

Tax, on, for purposes of this Part, the annual gross receipts derived from rental of a property or unit.

CAPACITY TO RENT - any dwelling unit that is fit for habitation by humans as determinable by applicable Building and Property Maintenance Codes [Chapter 5, Part 6], and is not the owner's primary residence and as is permitted by the City of Reading Zoning Ordinance [Chapter 27].

CODES - any State or local code or ordinance adopted, enacted or in effect in and for the City of Reading including, but not limited to, the International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], and City of Reading Property Maintenance Code [Chapter 5, Part 6], Zoning Ordinance [Chapter 27], Recycling and Solid Waste Ordinance [Chapter 20, Part 1], and general nuisance ordinances.

CODES OFFICIAL - a City of Reading employee or authorized agent sworn to enforce the City of Reading Codes and Codified Ordinances.

DWELLING UNIT - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

HABITABILITY - any rental unit, building or dwelling that is suitable for human habitation and that is sanitary and free of vermin infestation and is in compliance with all City of Reading health and code regulations and Codified Ordinances.

HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.

HOUSING PERMIT - A permit issued by the City of Reading Property Maintenance Division per the procedure established by this Chapter and the policies created in accordance therewith. This permit includes both rental and vacant properties.

LEASE - see "Rent."

LET - see "Rent."

LOCAL RESPONSIBLE AGENT - a person or agency retained or hired by a property owner to operate premises including, but not limited to, compliance with City of Reading Codified Ordinances and as a local contact.

MULTIPLE DWELLING UNIT - any dwelling containing two or more dwelling units.

OCCUPANT/TENANT - a person renting or letting a rental unit from the owner thereof.

OWNER - any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the

guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - any individual, firm, corporation, association, partnership or entity.

PROPERTY MAINTENANCE DIVISION - a division of the City of Reading administration under the Managing Director charged with enforcing the City of Reading Codified Ordinances governing issues including, but not limited to, housing, property maintenance and trades.

PUBLIC OFFICER - anyone authorized to enforce the City of Reading Codified Ordinances.

QUALITY OF LIFE - issues affecting the manner in which one lives or resides and habitability of a premise as governed by the City of Reading Codified Ordinances.

REGISTRATION - filing of an appropriate application to register a property as a rental unit or vacant property.

RENT - compensation for providing a shelter or lodging for occupation or habitation by humans to reside, monetary or non-monetary.

RENTING - the act of permitting a unit to be used to provide a living arrangement for one or more persons not the owner thereof whether or not for compensation.

RENTAL UNIT - a rooming unit or dwelling unit let for rent, a non-owner occupied rooming or dwelling unit, or a dwelling unit occupied by an owner and additional unrelated individuals. A rental unit shall not include a hotel unit. A rental unit includes dwelling units under lease-purchase agreements or long-term (greater than 6 months) agreements of sale.

ROOMING UNIT - an individual room within a "Boarding House" as said term is defined herein that is suitable for human lodging or occupancy.

SALES AGREEMENT - a contract for the sale of real estate, including a contract for a deed.

STUDENT - an individual who is enrolled or has made application and been accepted at a university, college or trade school and whose primary occupation is as a student or who is on a semester or summer break from studies at a college, university or trade school or any combination of such persons. The term "student" shall apply to both undergraduate and graduate students alike. The residents of a student home share living expenses and may live and cook as a single housekeeping unit but may also only share access to cooking facilities and not live and cook as a single housekeeping unit.

STUDENT HOME - a living arrangement for at least two students to a maximum of three students (as defined in this Part) unrelated by blood, marriage or legal adoption. The term student home shall not include dormitories, fraternity house or sorority house. The term student home shall be used interchangeable with the term student housing.

STUDENT HOUSING - see "student home."

VACANT PROPERTY - A residential, commercial or mixed use (residential and other permitted use) property shall be deemed to be a "vacant property" if it is a vacant

property that is actively marketed for sale, a vacant property for rehabilitation, a vacant property that is a vacation/second residence and a vacant property that is code compliant.

ZONING - City of Reading Zoning Ordinance [Chapter 27].

ZONING PERMIT - A permit issued by the City of Reading Zoning Division per the City of Reading Zoning Ordinance [Chapter 27] authorizing and/or registering a unit as a rental.

§11-103. Housing Permit Required.

No person or entity shall let, rent or cause to be vacant or occupied any non-owner occupied properties unless that person first applies for, renews and obtains a non-transferable Housing Permit issued by the City of Reading Property Maintenance Division per the procedure established by this code and policies created thereunder.

§11-104. Application for a Housing Permit.

1. Applications for a Housing Permit ~~for a dwelling unit or a rooming unit~~ shall be made in writing *or by electronic application* on forms prepared and provided by the City of Reading Property Maintenance Division and shall be accompanied by payment of the applicable fee. ~~and a copy of the Deed.~~ Such forms shall require, but shall not be limited to, the following information and shall be signed *accepted* and sworn to by the owner ~~of such dwelling unit or rooming unit~~:

- ~~a.~~ **A.** The name, business address, date of birth, and telephone numbers, (business and mobile), *and Driver's License or State Issued Identification numbers* of all of the owner(s) ~~of the rental unit or rooming unit~~ *any dwelling unit.* **A Federal EIN (employee identification number) must be provided if** ~~if~~ the owner is a corporation, limited liability company, or partnership. ~~a true and correct copy of the articles of incorporation, certificate of organization statement of registration or partnership agreement, as applicable, shall be provided.~~ *in conjunction with a document identifying the officers of the corporation or the partners of the partnership.*
- ~~b.~~ **B.** ~~The name, business address, date of birth and telephone numbers, (business and mobile), of an authorized local agent and/or property manager.~~ *The address of the premises at which the dwelling unit or rooming unit is located.*
- ~~c.~~ **C.** ~~The owner(s) shall submit as proof of identification a government issued identification card. The proof of identification shall be presented to the Property Maintenance Division with the application. Where the owner is a corporation, limited liability company, or partnership, proof of identification of at least one of the officers of the corporation, the managing member or designated member of the limited liability company, or the managing or general partner of a partnership must be presented by said individual.~~ *A valid zoning permit number as directed by the City of Reading Zoning Office.*
- ~~d.~~ **D.** ~~The address of the premises at which the dwelling unit or rooming unit is located.~~ *Verification of trash and recycling participation with approved program.*

- ~~e. E. Identification of the rental unit as a dwelling unit or rooming unit. **The Business Privilege License Number as provided by the City of Reading Citizens Services Center.**~~
 - ~~f. The number of permitted or allowable dwelling units or rooming units located within the building where the dwelling unit or rooming unit is located.~~
 - ~~g. A copy of the zoning permit authorizing the dwelling unit or rooming unit as a residential unit shall be attached. The zoning permit attached shall indicate the authorized number of units. If the dwelling unit or rooming unit has been certified as a nonconforming use per the City of Reading Zoning Ordinance [Chapter 27] and applicable State law, then a copy of the certificate of nonconforming use shall be attached. (See §11-104 subsection 2 for special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits.)~~
 - ~~h. The owner shall furnish with the Application for a Rental Housing Permit photographs of the front and rear exterior of the building for which a permit is requested. The photograph of the front exterior of the building shall contain a visible, identifiable address number appearing thereon. If there are changes subsequently made to the floor plan, the owner shall submit a revised floor plan, drawn to scale, with the next application (for re-issue or renewal) submitted after the changes to the floor plan were made and the same shall be accompanied by copies of all valid permits as required for such revisions.~~
 - i. **F.** A completed tenant listing, if applicable, on a form prepared and provided by the Property Maintenance Division providing the following information of all persons occupying the building for which the permit is sought, including children under 18 years of age, full name, unit, apartment or floor number/designation (where applicable), and term of lease including date of entry and departure. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required. If the unit is not rented at the time of application, the owner shall submit the tenant listing as prescribed above within 30 days of occupancy of the unit and in no event later than the next bi-annual date for such submission as required by this Part.
2. The registration of a rental or vacant property with the Property Maintenance Division shall be required within 15 days of the subject property becoming a "vacant property" or being marketed or used as a rental property as provided herein and shall be accompanied by the payment of the applicable registration fee.
3. Special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits for Multiple Dwelling or Rooming House use.
- A. Any property previously registered with the City of Reading Property Maintenance Division and holding a valid "Housing Permit" issued by the Reading Property Maintenance Division prior to December 31, 2007 and has remained current shall be required to apply to the Zoning Administrator for a zoning permit prior to submitting an Application for a Housing Permit. The Zoning Administrator shall make an initial determination as to whether the subject property is located within a zoning district where multi-family rental use is legally permitted as an allowed use or a use

previously approved as a Conditional Use pursuant to subsection D of §27-1203 of the Zoning Ordinance, as amended.

- (i) If the Zoning Administrator determines that the subject property is located within a zoning district where multi-family rental use is legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a legally permitted use under the applicable zoning, subject to subsection B hereunder, and it will be required to comply with all of the provisions of this Chapter and any other applicable chapters as verified upon inspection by the Property Maintenance Division.
 - (ii) If the subject property had a valid "Housing Permit" as of December 31, 2007 but is determined to be located within a zoning district where multi-family rental use is not legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a prior "non-conforming use" by the Zoning Administrator within the meaning of subsection B of §27-607 of the Zoning Ordinance and remain eligible for a Housing Permit provided it conforms to the remaining requirements of the City of Reading Codes and Codified Ordinances.
- B. The Zoning Administrator shall make a secondary determination as to whether the number of dwelling units present exceeds the number of units previously recorded for the premises in City records. A Housing Permit will be denied until the property is modified to comply with the number of units previously recorded.
- C. A zoning permit issued by the Zoning Administrator in accordance with Sections A and B hereinabove shall satisfy the requirements of §11-104. 1. G. and the issuance of a Housing Permit shall be subject to compliance with the remaining provisions of §11-104. 1.

§11-105. Annual Renewal of Housing Permit.

1. Effective January 2, 2012, each Housing Permit shall be renewed by the registrant on or before the 1st of April in each and every calendar year regardless of when the original permit was issued in the previous year. If the 1st of April falls upon a Saturday, Sunday or holiday the deadline shall be the close of business on the next business day. Renewal of a Housing Permit shall be made ***in writing or by electronic application*** upon forms prescribed by the Property Maintenance Division ~~and single copies of the same for each property address shall be made available to property owners at no charge.~~ Submission of annual renewal forms shall be accompanied by payment of the specified renewal fee.

2. Annual Housing Permit Renewal forms shall require the owner, in addition to the information specifically required in other provisions of this Chapter, to provide the following: (a) disclose and/or confirm the number, name and age of residents of dwelling unit in each building and the number of tenants residing in each dwelling unit, (b) the operational status of fire and smoke alarms, the operational status of fire escapes and emergency exits, if applicable, and (c) any changes or alterations to the interior or exterior structural and/or mechanical components or systems of the building or any individual dwelling unit therein including repairs due to casualty loss, since the date of the issue of the Housing Permit or the last renewal thereof, whichever is later. The Annual Permit Renewal forms shall further

require the owner to verify that false statements therein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

3. Submission of Annual Renewal Forms after the April 1st deadline shall be subject to a surcharge of Three Hundred Dollars (\$300) per ~~rental unit~~ **parcel** for each month or fraction thereof following the said deadline. The City of Reading may pursue an in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.

4. Failure to submit an Annual Renewal Form as required herein before July 1st in each and every year may result in the immediate revocation of the Housing Permit.

5. In the event of revocation of the Housing Permit, the property owner must file an Application for Reinstatement upon a form prescribed by the Property Maintenance Division and the filing of said application shall be accompanied by payment of all outstanding fees and surcharges.

6. Notwithstanding the filing of an Application for Reinstatement nothing herein shall prevent the City of Reading from undertaking legal action to enforce any other provision of the City of Reading Codified Ordinances, including action to enjoin any continued occupancy of the property by tenants residing therein and/or action to abate any nuisance, dangerous condition or other threat to the health and safety of the tenants residing therein or the general public.

7. In the event the Housing Permit is revoked for a property that was previously approved for multi-family rental housing but designated a non-conforming use by the Zoning Administrator, failure of the owner to file an Application for Reinstatement of a Housing Permit within six months of the date of revocation of the Housing Permit as provided herein shall, in the absence of any showing of reasonable excuse or good cause, be considered an "abandonment" of such use in accordance with the provisions of §27-607 F and G of the Zoning Ordinance. The burden of proving reasonable excuse or good cause for a failure to file an Application for Reinstatement shall rest solely upon the property owner and the determination of the same can only be made upon a majority vote of City Council.

§11-106. Denial of Application for a Housing Permit.

1. A Housing Permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.

2. The City may deny an application for a Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a demonstrable history on three or more occasions of failing to address cited code violations, including lack of utilities, that present immediate threats to human health and safety within the compliance period specified

by the Property Maintenance Division, currently has unresolved codes violations, or has any tax delinquencies.

3. The City of Reading Property Maintenance Division is hereby authorized to placard and condemn a property for which a Housing Permit has not been obtained from the Property Maintenance Division as required by this Part. Such action shall require the immediate vacation of the property or vacation within a specific and reasonable period of time as determined by the Property Maintenance Division in the exercise of its discretion

§11-107. Revocation of a Housing Permit.

1. The City of Reading Property Maintenance Division shall, have the authority to revoke or suspend the Housing Permit of any rental unit, building, rooming house, or dwelling that it determines within the reasonable exercise of its discretion to be uninhabitable by humans, and in noncompliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection. A Housing Permit may also be revoked if it is determined that the permit was issued upon material misrepresentations, errors or omissions set forth in the application for original issue renewal as applicable.

2. The City may revoke a Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a record of chronic codes violations, currently has unresolved codes violations, or has any tax delinquency.

3. A notice of a revocation of a Housing Permit shall set forth the reason for the revocation and shall be provided in writing to the last known owner of record.

§11-108. Transfer of Ownership and Change of Address.

1. It shall be the duty of each owner of a dwelling unit or rooming unit to notify the Property Maintenance Division of any change in ownership of the property ~~by providing a copy of the new deed with a Certificate of Transfer affixed thereto~~ in compliance with the requirements of § 4-303 of Chapter 4 of the City of Reading Codified Ordinances, as amended.

2. A Housing Permit issued hereunder does not attach to the real estate title and does not pass or transfer to any person or entity who acquires ownership of the property upon which the dwelling unit or rooming unit is situated. The prospective new owner of a property upon which housing is permitted shall submit a completed application for a new Housing Permit to the Property Maintenance Division no later than 15 days after transfer of title. Said application for a new Housing Permit shall be compliant with the applicable rules set forth in this Chapter and issuance of a new Housing Permit shall be further conditioned upon inspection of the premises by the Property Maintenance Division and a determination of

compliance of the premises with the applicable requirements of the City of Reading Codified Ordinances.

3. Any owner of a ~~rental~~ **housing** unit governed by this Part who relocates or changes mailing address shall file written notice of the same with the Berks County Assessment Office and the City of Reading Property Maintenance Division within ten (10) days of such relocation or change in mailing address. Failure to provide such notice shall result in the imposition of a \$150 penalty, which shall be payable within 15 days from the date of imposition.

4. The failure of a new owner to make timely application for a new Housing Permit as provided hereinabove shall render the property an illegal unit subject to the processes and penalties contained in §11-113, Failure to Obtain Housing Permit.

§11-109. Inspection.

1. Initial Inspection.

- A. If an initial application inspection is required pursuant to the provisions of this Chapter upon receipt of a fully completed application for a Housing Permit and receipt of payment of the applicable fee the Property Maintenance Division shall within 10 days of said receipt schedule an exterior and interior inspection of the dwelling unit or rooming unit to be performed no later than 30 days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the City inspector performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the inspector shall so advise the owner and report the same in writing to the City of Reading Property Maintenance Division. Upon receipt of such written report of compliance and a determination that all other requirements have been met the Property Maintenance Division shall issue the Housing Permit.
- B. In the event the City's inspector determines that the dwelling unit or rooming unit is in violation of one or more of the applicable provisions of the City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall be instructed not to issue the Housing Permit. Additionally, the City Official shall issue a notice of violation as provided in the appropriate Code. Further, if the violation is not corrected within the time frame established on the notice of violation the City Official shall commence the appropriate legal proceedings as permitted by the applicable Code. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the Housing Permit. Occupancy of the dwelling unit or rooming unit is prohibited until a Housing Permit is issued.

2. **Renewal Inspections**

- A. An inspection of a rental unit as defined in this Chapter shall be performed by Property Maintenance Division if necessitated by reported changes to a rental unit on the Annual ~~Rental~~ Housing Permit Renewal form or, in the absence of reported changes, on a revolving basis not less than every 2 years nor more than 5 years from the date of last inspection pursuant to the City of Reading ~~Rental~~ **Housing** Property Inspection Program.
 - B. If the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner, make the appropriate entry in the official records for the said property maintained by the Property Maintenance Division and issue an official certificate of compliance.
 - C. In the event the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit is in violation of the applicable City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall withhold the renewal of the Housing Permit until the violations are corrected and the property is determined to be in compliance with the applicable Codes and Codified Ordinances. In addition, the City Official shall issue a Notice of Violation as provided for in the applicable provision of the Code and Codified Ordinances. Failure of the property owner to correct the specified violations within the time frame established on the Notice of Violation shall result in the revocation of the Housing Permit and an authorized City Official shall commence the appropriate legal proceedings to enforce the applicable Code and Codified Ordinances including but not limited to action to vacate the dwelling unit or rooming unit as operation thereof is prohibited without a valid Housing Permit. Nothing herein shall prevent the City from taking any other action authorized by §11-122 of this Chapter. In the event the property is vacated as a result of an order from the City Official it shall remain vacated until the Codes Official determines that the violations have remedied, corrected and/or abated. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the Housing Permit.
3. **Routine Inspection.** The Property Maintenance Division shall perform routine inspections on all dwelling units and rooming units subject to the provisions of the applicable City of Reading Codes and Codified Ordinances.
4. **Complaint Inspections.** Nothing in this Part shall preclude the Property Maintenance Division/Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the dwelling unit or rooming unit. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading Property Maintenance

Division. A complaint of violation shall include but not be limited to a violation of a City of Reading Code or Ordinance, e.g., Property Maintenance Code [Chapter 5, Part 6] and/or disruptive conduct report.

5. **Search Warrant.** If any owner, occupant or other person in charge of a structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, Property Maintenance Division, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.

6. **Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record ~~with a copy mailed via regular mail to the local responsible agent.~~

7. **Failure to Appear for Inspection.** If the owner or authorized agent cannot be available at the proposed time, said owner or authorized agent, shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$150 will be assessed against the owner failing to supply written notice or appear. If the property owner or authorized agent fails to appear for the second scheduled inspection an administrative fee of \$250 will be assessed against the property owner. If the property owner or authorized agent fails to appear for a third scheduled inspection or any combination of scheduled inspections, cancellations or failure to gain entry, the Property Maintenance Division shall assess an administrative fee of \$400 and may placard the subject property and/or promptly seek an administrative search or inspection warrant from a court of competent jurisdiction by supplying all necessary affidavits and testimony in support thereof.

§11-110. Housing Permit.

Upon compliance by the owner of the dwelling unit or rooming unit of the requirements of this Part, the City of Reading Property Maintenance Division shall issue a Housing Permit on an official form containing the letterhead of the City of Reading Property Maintenance Division and a facsimile of the Official Seal which shall include but not be limited to the following:

A. Name, mailing address and telephone number (business and mobile) of owner.

~~Name, mailing address and telephone numbers (business and mobile) of local authorized agent.~~

B. Number of dwelling units-permitted

C. Date of last application inspection.

D. Date of last inspection.

E. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.

F. Date of issuance of permit.

G. Date of required renewal of permit.

H. Printed name of person issuing permit.

§11-111. Posting of the Housing Permit.

The Housing Permit or an identical, clear and legible photocopy thereof shall be conspicuously posted and maintained in the front entryway, vestibule or other main entrance area of the dwelling unit or rooming unit so that the same is visible and observable from outside the building at the front of the property by City Code, Property Maintenance Division, or emergency personnel.

§11-112. Structural Changes

Any change in the structural condition or integrity of a property shall be reported in writing to the Property Maintenance Division within 7 days of such change. Prior to any change in the structural condition or integrity of a property, the owner shall obtain any necessary permits from the Building and Trades Office.

§11-113 Failure to Obtain Housing Permit

1. **Prohibition.** It shall be unlawful for the owner of any property to fail to obtain a Housing Permit as required in §11-103, Housing Permit Required.

2. **Surcharge.** In the event an authorized City official determines an owner failed to obtain a necessary Housing Permit, a non-compliance surcharge of \$1,000 per unit shall be imposed to the application fee and written notice of non-compliance shall be delivered personally, mailed to the owner by first class/certified mail or email at the last known address, as well as by posting written notice in the form of a placard on the front entrance of the subject property notice. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service upon any executive officer of a corporation shall be a sufficient, but not the exclusive method of service upon the corporation. Service upon any partner of a partnership shall be a sufficient but not the exclusive method of service upon the partnership.

Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Housing Permit application within 15 days from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Housing Permit is received by the Property Maintenance Division. The City of Reading may pursue an in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.

3. **Review and Hearing.** Upon payment of the fees and surcharges set forth in subsection 2 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed

upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested, the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for conditional use applications in housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be issued by the hearing officer within 15 days of said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

§11-114 Owner and Occupant Duties.

1. Owner's Duties.

- A. It shall be the duty of every owner ~~and operator, authorized agent or manager~~ to keep and maintain all rental units in compliance with all applicable codes and provisions of all applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such rental units.
- B. It shall be unlawful for any person or entity to offer, conduct, operate, or cause to be rented any rental unit within the City of Reading without a valid and current Housing Permit.
- C. It shall be the responsibility of every owner, ~~operator, authorized agent or manager~~ to employ policies and manage the rental **dwelling** units under his/her control in compliance with the provisions of this Chapter, the City Codes and Codified Ordinances and applicable State laws.

2. Tenant/Occupant Duties

- A. The occupant(s) shall comply with all obligations imposed unto by this Part and by the City of Reading Codified Ordinances including, but not limited to, Chapter 2, Animals, Chapter 3, Bicycles, Chapter 5, Code Enforcement, Part 6, Property Maintenance Code, Chapter 6, Conduct, Chapter 10, Health and Safety, Chapter 15, Motor Vehicles and Traffic, Chapter 20, Solid Waste, and Chapter 21, Streets and Sidewalks, as well as all State laws and regulations.
- B. The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.

- C. The occupant(s) shall not engage in, nor tolerate, nor permit others on the premise to cause damage to the rental unit or engage in disruptive conduct, or other violations of this Part, City Codes or applicable State laws.
- D. Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed.

§11-115. Owners Jointly and Severally Responsible.

If any regulated dwelling unit or rooming unit is owned by more than one person, in any form of joint tenancy, as a partnership, corporation or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for the violation of this Part.

§11-116 - Fees for Housing Permits, Surcharges and Administrative Fees

1. Fee Schedule

Fees required for an application for, and annual renewal of, a Housing Permit, as well as inspection-related and other applicable fees shall be established by City Council and included on the City's fee schedule.

2. Waiver of Fees

The permit fees established in subsection (1) above shall be waived if the owner or the spouse, son, daughter, mother, father, sister or brother of the owner occupy a single family property.

3. Prosecution of Violation.

Notwithstanding the above, nothing will prevent the Property Maintenance Division from commencing a summary offense criminal action via the issuance of a non-traffic citation for sections of Chapter 11 in accord with the Pennsylvania Rules of Criminal Procedure in the court of appropriate jurisdiction and the violations shall be deemed a strict liability offense.

4. Collections

All delinquent fees under this part shall be turned over to a Collections Agency and are subject to collection costs.

§11-117. ~~Tenant Information.~~—Reserved

~~1. In addition to supplying information of the tenants of the dwelling unit or rooming unit on the initial or renewal application for a Housing Permit the owner, on or before April 1 and September 1 of each year, shall provide to the City of Reading Property Maintenance Division on a form prepared and provided by said Division information of all tenants or other persons, including children under 18 years of age, occupying the dwelling unit or rooming room for which they are required to have a Housing Permit, the full name, unit, floor or apartment number/designation and term of lease, date of entry and anticipated departure date. Landlord shall further indicate on said form if the dwelling unit or rooming unit is student housing and if said tenants are students.~~

~~2. The owner shall notify the City of Reading Property Maintenance Division of changes in the tenant listing within 10 days of such change by submitting an updated tenant listing on the form prepared and provided by the Property Maintenance Division. In so doing, the owner shall notify the City of the name of the person who is no longer residing at the dwelling unit or rooming unit.~~

~~3. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required.~~

~~4. Failure to provide the required information or failure to update such information as required by this Part is hereby made subject to the penalties set forth in this Part.~~

§11-118. Official Notices.

All official notices, excluding notice of inspection, including, but not limited to, notices of violation relating to a dwelling unit or rooming unit shall be mailed to or personally served on the owner ~~with a copy to the registered, authorized agent~~. All official notices, excluding notice of inspection which shall be in the manner set forth herein, shall be by first class mail to the address of record of the owner ~~and registered, authorized agent~~ and posting of the dwelling unit or rooming unit. The address of record of the owner shall be that provided to the Property Maintenance Division and in the absence of the same the address provided by the County of Berks. Any owner change of address must be performed through the County of Berks Assessment Office. ~~The address of record of the authorized agent shall be that provided by the owner on the most recent permit application. It is the responsibility of the owner to change the address thereof or the identity or address of the authorized agent per the requirements hereof.~~ There shall be a rebuttable presumption that any notice required to be given under this Part shall have been received by owner ~~and/or local responsible agent~~ if the notice was given in the manner provided. A claim of lack of knowledge by the owner of any violation hereunder or City of Reading Codes shall not be a defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such action were given and deemed received in accord with the applicable provisions of this Part.

§11-119. Placarding and Condemnation

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Division, vacation within a specific and reasonable amount of time for vacation of a property that is being rented and for which a Housing Permit has not been obtained or for which an inspection has not been performed or completed by the Property Maintenance Division as required by Section 109 of this Chapter.

§ 11-120. Appeal

1. Administrative Appeal

a. Except as provided in §11-113, Failure to Obtain Housing Permit, any person who is aggrieved by this Ordinance may appeal to the Director of Community Development or his/her designee by submitting a request for appeal in writing within fifteen (15) calendar days of the date of determination by the Property Maintenance Office.

b. The appeal hearing will be held before the Director of Community Development or his or her designee. The Administrator or his/her designee may uphold the appeal, deny the appeal or may modify the determination by the Property Maintenance Office as he/she sees appropriate.

2. Subsequent Appeals

Any subsequent appeal filed under this Ordinance, including a subsequent appeal to §11-113, Failure to Obtain Housing Permit, shall be filed to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S. §751 and §752.

PART II.

DISRUPTIVE CONDUCT

§11-121. Definitions

DISRUPTIVE CONDUCT - any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a police officer and/or a public officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing.

DISRUPTIVE CONDUCT REPORT - a written report of disruptive conduct on a form to be prescribed therefore to be completed by a police officer or a public officer, as the case may

be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Department of Police and Property Maintenance Division.

TWELVE-MONTH PERIOD - for purposes of this Part 12-month period shall be calculated by counting 12 months back from the most recent disruptive conduct report.

§11-122. Disruptive Conduct.

1. **Investigation and Report of Disruptive Conduct.** Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the Disruptive Conduct Report shall be given or mailed to the occupant and mailed to the owner within 10 working days of the occurrence of the alleged disruptive conduct.

2. **Eviction.** After two disruptive conduct incidents in any 12-month period by an occupant documented by Disruptive Conduct Reports, the owner shall have 10 working days from the date of the written notice to begin eviction proceedings against the occupant(s) and pursue the same through any appeal to the Berks County Court of Common Pleas if reasonably requested by the Property Maintenance Division. This subsection is not intended to limit or inhibit the owner's right to initiate eviction action.

3. **Suspension or Revocation of Housing Permit.** Failure of an owner or local authorized agent to take action required in subsection (3) above will result in the commencement of the process to suspend a Housing Permit in accordance with per the process established herein, notwithstanding any other requirements therefore.

4. **Reinstatement of Housing Permit.** The rental unit involved shall not have its Housing Permit reinstated until the applicable reinstatement fee is paid and the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are violations assessed against the owner per the provisions of this Part which require suspension or revocation, a Housing Permit shall not be reinstated until compliance with the requirements therefore have occurred.

5. **Report Against All Occupants.** The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. More than one Disruptive Conduct Report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection.

6. **Maintenance of List of Disruptive Conduct Report Tenants and Occupants and Evicted Occupants.** The Codes Enforcement Office shall maintain a list of the names of all

occupants and tenants against whom a Disruptive Conduct Report is issued as a result of this Part. The Property Maintenance Division shall also maintain a list of all occupants and tenants evicted as a result of this Part. The names shall remain on the list for a period of 5 years.

§11-123. Housing Board of Appeals.

1. **Appeals.** The occupant and/or owner may appeal the contents of said Disruptive Conduct Report. Additionally, any person aggrieved by the suspension, nonrenewal, denial or revocation of a Housing Permit may appeal. All appeals must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee, as per the City of Reading Fee Schedule, within 10 working days from the date of receipt of the disruptive conduct report or notice of suspension, nonrenewal, denial or revocation of a Housing Permit.

2. **Organization.**

A. **Membership.** The Housing Board of Appeals shall be a body of seven members consisting of: the Managing Director or his/her designee who shall serve as Chairperson; a Councilperson, Administrator of the Property Maintenance Division or their designee; the Chief of Police or his/her designee; an owner of a rental unit(s) in Reading; an occupant of a rental unit residing in the City of Reading; and a member of a community group recognized by the City of Reading.

B. **Alternates.** There shall be three alternate members: an owner, an occupant of a rental unit residing in the City of Reading and a member of a community group recognized by the City of Reading.

C. **Appointment.** All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Reading, with the exception of the Council Member, who shall be appointed by the Council President.

D. **Term.** A member or alternate member shall serve a term of not more than 3 years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years.

E. **Powers of Designee and Alternates.** Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.

F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. **Quorum and Majority Vote.** Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

- H. **Removal of Members.** Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.
3. **Powers.** The Board shall have the following powers:
- A. **Promulgate Rules and Regulations.** To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.
 - B. **Hear and Decide Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the police officer or public officer in the enforcement of the provisions of this Part.
 - C. **Grant Modification or Variance.** To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.
 - D. **Grant Extension of Time.** To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code [Chapter 5, Part 6] and other applicable sections of the City of Reading Codified Ordinances of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.
 - E. **Timeliness.** In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 15 working days after the appeal hearing.
 - F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.
 - G. **Authority.** The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the police officer or public officer; provided, however, that the Housing Board of Appeals, in its determination, shall be bound by this Part and shall not ignore the clear provisions and intent of this Part.
2. **Effect of Appeals.** Any decision or order issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Housing

Board of Appeals. Said abeyance shall include, but not be limited to, revocation, suspension, denial or nonrenewal of a Housing Permit until the appeal is resolved. An appeal of the two disruptive conduct reports within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second disruptive conduct report.

3. **Enforcement upon Resolution of Appeal of Housing Board.** If this appeal is of a second disruptive conduct report and the decision of the police officer or public officer has been affirmed, within 10 working days and time for compliance as required by the decision of the Housing Board of Appeals, the public officer shall re-inspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings. If, when so required by a second disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the Housing Permit pursuant to the provisions set forth in this Part.

§11-124. Appeal to Court of Common Pleas.

Any person, including the police officer or public officer for the City, aggrieved by any decision of the Housing Board of Appeals, may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be incorrect or illegal, in whole or in part. Said petition shall be filed with the Court of Common Pleas within 30 days after service of the decision. Notice of the appeal shall be served upon all parties to the appeal before the Housing Board of Appeals, including the Board and City of Reading, at the time of its filing. An appeal to the Court of Common Pleas of a decision of the Housing Board of Appeals shall not hold automatically stay enforcement of the Board's decision.

§11-125. Share Information.

The City of Reading Property Maintenance Division is authorized to share any and all information obtained under this Code with the other Departments and Divisions of the City of Reading.

§11-126. Compliance with Other City of Reading Ordinances

Every owner of every dwelling, in addition to the provisions set forth herein, shall comply with the provisions (sections) of all other applicable City Ordinances including, but not limited to, the International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1], and Zoning Ordinances [Chapter 27].

BILL NO. _____ -2013
AN ORDINANCE

**TO APPROVE, ADOPT AND ENACT SUBSTANTIVE CHANGES TO EXISTING
CITY ORDINANCES IN CONJUNCTION WITH THE ADOPTION OF THE CODE OF
THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, 2013**

WHEREAS, the Code of the City of Reading, 2013, has been prepared and published by General Code, LLC, and is presently before the City Council for adoption, pursuant to Section 1014.1 (53 P.S. § 36014.1) of the Third Class City Code and City of Reading Home Rule Charter Section 223; and

WHEREAS, in the course of preparing the codification and revision of the City's ordinances, it was found necessary to amend existing ordinances in order to update regulations and policies and to ensure that the City's ordinances conform to Commonwealth law and current practice,

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 1, General Provisions, of the Code of the City of Reading is hereby amended by the addition of Part 2, Amendments During Codification:

Part 2
Amendments During Codification

§ 1-201. Amendments to ordinances made during codification.

In conjunction with the adoption of the Code of the City of Reading, Berks County, Pennsylvania, 2013 ("Code"), the City Council determined that certain sections and subsections of the Code of the City of Reading required amendment. These substantive changes and revisions as set forth in Schedule A attached hereto and made a part hereof are hereby made to various ordinances included in the Code. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code Adoption Ordinance.

SECTION 2. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3. If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION 4. This ordinance shall become effective in ten days after passage, in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

ENACTED _____, 2013.

President of Council

Attest:

City Clerk

(General Code)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PROPOSED CODE ADOPTION ORDINANCE

for the

CODE OF THE CITY OF READING PENNSYLVANIA

May 2013

GENERAL CODE
781 Elmgrove Road
Rochester, New York 14624

(585) 328-1810 or 800 836-8834
FAX (585) 328-8189
www.generalcode.com

CITY OF READING
COUNTY OF BERKS, PENNSYLVANIA

BILL. NO. _____

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF LEGISLATION FOR THE CITY OF READING, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

Be it enacted and ordained by the City Council of the City of Reading, County of Berks, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

ARTICLE I
Adoption of Code

Be it enacted and ordained by the City Council of the City of Reading, County of Berks, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

§ 1-101. Approval, adoption and enactment of Code.

Pursuant to Section 1014.1 (53 P.S. § 36014.1) of the Third Class City Code, the codification of a complete body of legislation for the City of Reading, County of Berks, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code, and consisting of Chapters 1 through 600, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the City of Reading, which shall be known and is hereby designated as the “Code of the City of Reading,” hereinafter referred to as the “Code.”

§ 1-102. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the City Council of the City of Reading, and it is the intention of said City Council that each such provision contained within the Code is hereby

reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-103 below, and only new or changed provisions, as described in § 1-106 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-115 below.

§ 1-103. Repeal of legislation not contained in Code.

- A. All ordinances or parts of ordinances of a general and permanent nature adopted by the City of Reading and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-115 below, except as hereinafter provided. Included in such repealed legislation is the 2001 Code of Ordinances.
- B. The following items from the 2001 Code of Ordinances are specifically repealed:
 - (1) Ch. 1, Part J, Building Inspector Civil Service Board, and Part K, Recreation Committee.
 - (2) Ch. 3, Bicycle Regulations.
 - (3) Ch. 5, Part 10, Citizens Inspection Program.
 - (4) Ch. 7, Part 2, Space Heaters.
 - (5) Chapter 10, Part 13, City Outdoor Air Policy.
 - (6) Ch. 13, Part 5, Food Vending Machines and Businesses, Part 6, Milk and Milk Products, Part 7, Frozen Desserts, Part 8, Meat and Meat Products, Part 9, Poultry, and Part 11, Ambulances.
 - (7) Chapter 23, Swimming Pools, Part 1, Private Swimming Pools.

§ 1-104. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-103 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-103 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to December 17, 2012.
- B. Any right or liability established, accrued or incurred under any legislative provision of the City prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.

- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the City or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the City.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the City or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City or other instruments or evidence of the City's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the City.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.

- O. Any ordinance providing for the salaries and compensation of officers and employees of the City or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.

§ 1-105. Inclusion of new legislation prior to adoption of Code.

All ordinances and resolutions of a general and permanent nature adopted subsequent to the date given in § 1-104A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances and resolutions shall be temporarily placed in the Code until printed supplements are included.

§ 1-106. Nonsubstantive changes.

In compiling and preparing the ordinances and resolutions of the city for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

§ 1-107. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-108. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-109. Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the City Clerk and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the City Clerk, as provided by law, and such certified copy or copies shall remain on file in the office of the City Clerk, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-110. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the City Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-111. Code books to be kept up-to-date.

It shall be the duty of the City Clerk or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the City Clerk for the use of the public. All changes in said Code and all legislation adopted by the City Council subsequent to the effective date of this codification which the City Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-112. Publication of notices.

The City Clerk, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the City. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of a copy or copies of the Code

for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-113. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the City to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$1,000, plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding 90 days.

§ 1-114. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the City Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-115. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after _____, 20____.

ENACTED _____, 2013.

President of Council

Attest:

City Clerk

(General Code)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

CITY OF READING

NOTICE OF INTRODUCTION OF PROPOSED CODE ADOPTION ORDINANCE

Please take notice that a proposed Code Adoption Ordinance was introduced by the City Council of the City of Reading at a regular meeting of the City Council held on the ____ day of _____, 20____. A copy of the proposed Code Adoption Ordinance and the Code may be examined in the office of the City Clerk. A summary of the proposed Code Adoption Ordinance and a listing of the Table of Contents of the proposed codification are as follows:

ORD. NO. ____

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE CITY OF READING, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

This proposed ordinance provides:

- (1) For the approval, adoption and enactment of the codification of a complete body of legislation for the City of Reading, as revised, codified and consolidated into titles, chapters and sections, such codification being designated as the "Code of the City of Reading."
- (2) That the provisions of the Code are intended as the continuation of legislation in effect immediately prior to adoption of this ordinance.
- (3) For the repeal of ordinances or parts of ordinances of a general and permanent nature which are not included in the Code, except as specifically saved from repeal.
- (4) That certain ordinances, rights and obligations be expressly saved from repeal.
- (5) That ordinances of a general and permanent nature adopted subsequent to preparation of the Code but prior to its adoption are deemed part of the Code.
- (6) For the interpretation of provisions.
- (7) That titles, headings and editor's notes are inserted for the convenience of persons using the Code and are not part of the legislation.

- (8) For the filing of at least one copy of the Code in the office of the City Clerk where it shall remain for use and examination by the public.
- (9) For the incorporation of future additions, deletions, amendments or supplements into the Code.
- (10) That Code books be kept up-to-date under the supervision of the City Clerk.
- (11) That notice of introduction of the ordinance and Code be published according to law, and that enactment of the ordinance, coupled with filing of a copy or copies of the Code and publication of such notice, will be deemed due and legal publication of all provisions of the Code.
- (12) For penalties for anyone convicted of altering or tampering with the Code.
- (13) That provisions of the Code and of the ordinance are severable.
- (14) That the effective date of the Code and of the ordinance be _____, 20____.

The chapters included in the codification are as follows (all chapter numbers not listed are reserved for future use).

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Please take further notice that the City Council intends to adopt the proposed Code Adoption Ordinance on _____. A copy of the Code Adoption Ordinance proposed for adoption is on file in the office of the City Clerk, Reading, Pennsylvania, where it is available for inspection during regular office hours.

[Type text]

CITY OF READING

NOTICE OF ADOPTION OF CODE

Please take notice that the following ordinance of the City of Reading, notice of the introduction of which had previously been given, was finally enacted at a meeting of the City Council of the City of Reading, County of Berks, Commonwealth of Pennsylvania, on the ____ day of _____, 20__:

ORD. NO. ____

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF READING, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA; PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND PROVIDING FOR THE PROPER MAINTENANCE OF THE CODE; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

The "Code of the City of Reading" will be in full force and effect on the ____ day of _____, 20__. A copy of the Code Adoption Ordinance and the Code are on file in the office of the City Clerk, where they are available for use and examination during regular office hours.

CERTIFICATION

CITY OF READING

Office of the City Clerk

I, **Linda Kelleher**, City Clerk of the City of Reading, Pennsylvania, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the City Council of the City of Reading, and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitutes the Code of the City of Reading, County of Berks, Commonwealth of Pennsylvania, as adopted by ordinance of the City Council on _____, _____.

Given under my hand and the Seal of the City of Reading, County of Berks, Commonwealth of Pennsylvania, this _____ day of _____, at the municipal offices of the City of Reading.

s/Linda Kelleher

City Clerk

R E S O L U T I O N NO. ____-2013

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

Amending Resolution 57-2013 by making the effective date of the appointment
of Thomas Anewalt to the Charter Board the day after the Charter Review
Commission submits their final report to City Council.

Adopted by Council_____, 2013

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk